

CHAPTER 109-02-03
MINIMUM STANDARDS OF TRAINING PRIOR TO CARRYING A WEAPON

Section

109-02-03-01	Sidearm Authorization and Qualification
109-02-03-02	Weapons Safety and Proficiency Examination
109-02-03-03	Shotgun, Rifle, and Special Weapons Certification
109-02-03-04	Requalification Required Annually
109-02-03-05	Certified Shooting Course
109-02-03-06	Criteria for a Certified Shooting Course
109-02-03-07	Issuance, Denial, or Revocation of Qualification
109-02-03-08	Waiver
109-02-03-09	Notice of Denial or Revocation of Qualification - Hearing

109-02-03-01. Sidearm authorization and qualification. A peace officer may not carry a sidearm in the course of employment or in the performance of official duties unless the officer has successfully completed the sidearm qualification requirements and the board has issued a peace officer license or limited license. Sidearm qualification requires completion of a weapons safety and proficiency test approved by the board.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-02. Weapons safety and proficiency examination. The board shall establish and certify a weapons safety and proficiency qualification examination, including:

1. A written examination, including weapons safety, weapons handling, mechanical operations, criminal and civil liability on the use of force, and North Dakota laws on the use of force and on firearms requirements. A minimum score of seventy percent overall with one hundred percent required for the North Dakota law portion is necessary for successful completion of the written examination.
2. A certified sidearm shooting course using the duty weapon, duty equipment, and duty ammunition or ammunition ballistically similar to ammunition carried on duty. Successful completion of this portion requires a minimum score of seventy percent and the demonstration of competence in sidearm skills as determined by a certified weapons instructor.
3. A peace officer may not take the written examination or sidearm qualification test more than three times in any twelve-month period. After the third unsuccessful attempt, the peace officer must wait one year before retaking the examination or sidearm qualification test.

4. Only a certified weapons instructor may administer the weapons safety and proficiency examination or sidearm qualification test.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-03. Shotgun, rifle, and special weapons certification. An agency may require peace officers that carry a shotgun, rifle, or special weapons, including assault rifles, sniper or countersniper rifles, or automatic weapons, to complete a certified rifle, shotgun, or special weapons examination.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04

109-02-03-04. Requalification required annually. Every peace officer shall requalify with the peace officer's duty weapon each year as a license requirement.

1. Sidearm requalification requires successful completion of a certified shooting course at least once during each calendar year.
2. For those not required to carry a sidearm, the peace officer's agency may apply to the board for a waiver of the sidearm qualification requirements.
3. Peace officers who have not requalified in over two years shall successfully complete both the written examination and a certified shooting course as a condition of licensing, license renewal, or license reinstatement.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-05. Certified shooting course. All agencies that use their own shooting course must have certification of the course from the board. A peace officer may not qualify or requalify on a noncertified course.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-06. Criteria for a certified shooting course. A sidearm shooting course must meet the following requirements before the agency may receive certification for the course and before a peace officer may qualify or requalify with the peace officer's duty weapon:

1. The course must provide for a minimum of three firing positions, including:
 - a. Prone.
 - b. Sitting.
 - c. Standing.
 - d. Kneeling.
 - e. Point shoulder.
 - f. Crouch.
 - g. Walking.
 - h. Barricade position.
2. The course must induce stress by the use of time, physical activity, or night or low light conditions or a combination of all three. The course must provide a time limit for course completion.
3. The course must include firing from at least three different distances:
 - a. The distance may not be less than one yard [.91 meter] nor more than twenty-five yards [22.86 meters].
 - b. The majority of firing must occur at seven yards [6.40 meters] or more.
4. The course must include firing at least eighteen but not more than sixty rounds of ammunition from start to finish.
5. The course must be fired completely with the peace officer's duty weapon and duty equipment and include left-hand and right-hand shooting. An approved substitute weapon of the same type, model, and manufacture as the duty weapon may be used if the duty weapon becomes defective during firing.
6. The ammunition used when firing for qualification must be the same as or ballistically similar to the ammunition normally carried on duty.
7. Only silhouette targets may be used on a certified shooting course.

History: Effective October 1, 2004; amended effective July 1, 2006.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-07. Issuance, denial, or revocation of qualification.

1. The board shall review all applications for sidearm qualification and requalification. The board may deny an application for sidearm qualification or requalification:
 - a. If the applicant failed to successfully complete the written examination or the shooting course;
 - b. Upon a finding that the applicant falsified any information required to obtain qualification or requalification;
 - c. Upon the written recommendation of a certified instructor; or
 - d. If the shooting course was not board-certified.
2. The board may require any peace officer to requalify based upon the written recommendation of the agency administrator or certified weapons instructor or when the board deems it necessary.
3. Documentation for sidearm qualification and requalification must be submitted to the board on forms provided by the board and must include:
 - a. Identification of the peace officer.
 - b. Identification of the weapons instructor.
 - c. Identification of the duty weapon, including model and manufacturer.
 - d. Date of qualification or requalification.
 - e. Shooting course.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-08. Waiver. The board may waive the requirement of any provision of this chapter upon presentation of documentary evidence by an agency that a peace officer has satisfactorily completed equivalent training or has equivalent experience.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04(1)(d)

109-02-03-09. Notice of denial or revocation of qualification - Hearing.

The board shall notify in writing any peace officer and the agency administrator when the board believes there is a reasonable basis for revoking or denying qualification or requalification of the peace officer. The notice must specify the basis of the revocation or denial. Every peace officer has the right to a hearing on the issue of denial or revocation.

History: Effective October 1, 2004.

General Authority: NDCC 12-63-04(2)(d)

Law Implemented: NDCC 12-63-04